

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CURTIS HOWELL,
Plaintiff,

v.

MASSACHUSETTS ATTORNEY GENERAL,
et al.,
Defendants.

Civil Action No.
22-11028-NMG

ORDER

GORTON, J.

On July 26, 2022, the Court granted plaintiff leave to proceed in forma pauperis and advised him that his complaint is subject to dismissal pursuant to 28 U.S.C. § 1915(e)(2). See Docket No. 12. The Court's Memorandum and Order outlined the legal impediments to plaintiff's claims, including the failure comply with the pleading requirements of the Federal Rules of Civil Procedure, there is no supervisory liability pursuant to 42 U.S.C. § 1983, the Boston Police Department is not a suable entity pursuant to 42 U.S.C. § 1983, and that the Department of Justice, as a federal agency, is not a proper party in an action pursuant to Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 (1971). Id. Plaintiff was directed to file an amended complaint curing the pleading deficiencies. Id.

On August 12, 2022, plaintiff filed an amended complaint. See Docket No. 18. At that time, he also filed motions for

relief from judgment, for court summons, for correction of clerical errors, to alter the motion to correct clerical errors, for funds for court costs and pro se case preparation, for court funds for cost of preparation and court records and a consolidated motion for objection related to obstruction of justice. See Docket Nos. 19 - 25.

As to the amended complaint, a close examination reveals that it is almost an exact duplicate of the original, typewritten complaint, except that Howell signed the amended complaint on August 10, 2022, entered typewritten statutory citations, and wrote "amended" to change the title of the pleading from "complaint" to "amended complaint." Docket No. 18. Because the amended complaint is essentially a duplicate of the original complaint, it fails to cure the pleading deficiencies of the original complaint.

The Court finds that the amended complaint is insufficient to permit this action to proceed, and no further opportunity to amend or show cause is necessary. Moreover, there are no legal bases supporting any of plaintiff's motions, which will be denied.

Accordingly, the pending motions are DENIED and this case is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to comply with the Court's directives as contained in

the Memorandum and Order (Docket No. 12) and for all of the substantive reasons discussed therein.

So ordered.



Nathaniel M. Gorton
United States District Judge

Dated: August 17, 2022